

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

AIKEN DIVISION

Bonnie L. Grubbs,)	
)	C/A No. 1:09-2002-MBS
Plaintiff,)	
)	
vs.)	
)	O R D E R
Barnwell County,)	
)	
Defendant.)	
_____)	

Plaintiff Bonnie L. Grubbs filed the within complaint in the Court of Common Pleas for Barnwell County on June 9, 2009, alleging that she was discriminated against by her employer, Defendant Barnwell County, because of her age in violation of the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621 et seq. Defendant removed the action on the basis of federal question jurisdiction on July 29, 2009.

This matter is before the court on motion for summary judgment filed by Defendant on August 19, 2010. Plaintiff filed a response in opposition to Defendant’s motion on October 7, 2010. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge issued a Report and Recommendation on January 5, 2011 in which he recommended that Defendant’s motion for summary judgment be granted. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendant’s motion for summary judgment (ECF No. 17) is **granted** and the case dismissed, with prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 26, 2011